



*Minutes subject to approval by the NC Courts Commission at the next meeting.

The North Carolina Courts Commission met on Friday, January 31st, 2020 at 10:00 AM at the NC State Bar (217 E. Edenton St., Raleigh, NC).

Attendance

Rep. Joe John (Chair)
Rep. Lee Zachary
Hon. Donna Stroud
Robert Kemp
Hon. Regina Parker
Mr. Timothy Lea
Rep. Marcia Morey
Hon. Gale M. Adams
Mr. R. Locke Bell
Mr. N. Charles (Chip) Post, Jr.
Ms. Lisa Scales
Mr. Gregory B. Drumwright
Tawanda Foster Artis
Jacob Davis
Bill Patterson
J. Pat Haywood
Daisha Barnes
Lauren McAndrew

Call to Order

The Chair, Rep. Joe John, called the meeting to order, welcomed members of the Commission, as well as members of the public present, and laid forth the agenda for the meeting. The minutes from the October 18th, 2019 meeting were approved.

Pre-trial Release Workgroup Bill Drafts for Approval

Tawanda Foster Artis, *Staff Attorney, NCGA*, and Jacob Davis, *Staff Attorney, NCGA*, presented three pre-trial release draft bills that were drafted after prior committee meetings. These bills were reviewed and discussed:

- Draft 2019-TV-6 [v.3] – Misdemeanors/Mandate First Appearances
 - Bert Kemp made a motion to amend 2019-TV-6 [v.3] to include consistent language with necessity that individual subjected to new law would need to be in custody and to remove striking from 15A-601(d). Locke Bell seconded the motion and it passed unanimously.
 - The proposed bill as amended above was still before the commission and Rep. Lee Zachary made a motion to pass the bill as amended. Multiple people seconded the motion and the motion passed unanimously.
- Draft 2019-ND-135A [v.5] – Create Pretrial Release Study Committee
 - The commission unanimously approved the following changes, made in a motion by Tawanda Foster and seconded by Bert Kemp, to 2019-ND-135A [v.5]:
 - Add one magistrate member appointed by magistrates association.



- Add one victim's rights advocate or victim's assistance network member.
- Change page 2, lines 1-2 to be 2 public members appointed by House and Senate and 1 member of private bar by Governor.
- To amend the bill on page 1, line 6 to change the word "shall" to "may", on page 2, line 1 change "three non-attorney members" to "two non-attorney members", and on page 2, line 6 to remove "the Governor" and insert "the Conference of District Attorneys".
 - Motion to send the bill to the legislature as amended was proposed, and then seconded by Bert Kemp, and the motion passed unanimously.
- Draft 2019-ND-135 [v.10] – Judicial Discretion of FTA Release Conditions
 - Bert Kemp moved to amend the bill on page 2, line 3 to reinstate the language beginning with "judicial official" and ending on line 5 with "failure to appear", keep all of line 5 and "arrest" of line 6, and delete the inserted language on page 2, lines 9 through 10. The motion passed with all in favor.
 - Rep. Morey made a motion to recommend the bill as amended to the legislature and Chip Post seconded the motion. The motion passed unanimously.

Subcommittee on Domestic Violence Update and Presentation on SB 493 Sections 2(a)

Hon. Donna Stroud, *NC Court of Appeals Judge and NC Courts Commission Subcommittee on Domestic Violence Chair*, provided a summary of the January 10th, 2020 Subcommittee on Domestic Violence meeting. Judge Stroud discussed a 60 day review hearing required by SB 493 on any treatment program the abuser/defendant attended. She stated that the review hearings are important, but there are still issues as 33 counties do not have batterer intervention programs and some only have anger management programs. Many abusers/defendants have to go out of the county for mandated treatment. More funding is needed to create new programs in areas without the required batterer intervention programs and to support current programs. Judge Stroud also mentioned that the subcommittee recommended that domestic violence training be offered in schools, and discussed how DVPOs could be strengthened to allow for law enforcement to be involved in the removal of weapons and follow up.

Sherry Honeycutt Everett, *Legal and Policy Director, N.C. Coalition against Domestic Violence*, gave a presentation on SB 493 Section 2(a). Ms. Everett expressed concern about possible unintended consequences of language in SB 493/S.L. 2019-168 which states "any subsequent Chapter 50 custody order supersedes a temporary 50B custody order". She noted the language could result in voiding prior emergency orders dealing with child support and child custody mediation. She also noted that Chapter 50 orders are not entered into NCIC while Chapter 50B orders are entered into NCIC which can lead to confusion for law enforcement when responding to a domestic violence situation. There have been no problems reported to date since the law went into effect on January 1, 2020 but Ms. Everett is concerned there still could be. Judge Stroud and Ms. Everett recommended the law be reverted to its prior language. Judge Stroud moved, seconded by Judge Parker that legislative staff draft a bill to return to the language suggested by the NC Bar Association and NC Coalition against Domestic Violence. The committee voted unanimously in favor of the motion.

Subcommittee on E-Cigarette Use among Youth Update on Federal Policy Changes

Tim Lea, *Co-Chair, NC Courts Commission Subcommittee on E-Cigarette Use among Youth*, introduced the speakers and indicated he hoped a bill will come forward on the regulation of e-cigarettes in North Carolina.

Jim Martin, *Director of Policy and Programs, N.C. Tobacco Prevention and Control Branch*, provided statistics on e-cigarette use among youth and addressed the change in federal law that increased the age to buy e-cigarettes to 21. However, North Carolina law still sets the age at 18. The change in federal law gives states incentive to change their laws but it also provides for time for states to do so. The federal law allows for a three to five year period where states can change and strengthen their laws. Mr. Martin focused on three major recommendations from the US Surgeon General



which included restricting young people's access to e-cigarettes in retail settings (Tobacco 21), licensing retailers, and implementing strategies to reduce access to flavored tobacco products by young people.

Jessica Dicken, *MSW, Section Chief, Community Wellness, Prevention, and Health Integration Team, Division of Mental Health/Developmental Disabilities/Substance Abuse Services, NC Department of Health and Human Services*, discussed compliance with FDA rules on sales to minors. North Carolina has a contract with the FDA to provide funding for NC compliance investigators, the NC ALE does compliance checks, and the FDA handles enforcement. Ms. Dicken discussed how trainings and teaching materials for compliance must be updated to get up to speed with federal changes.

Adjournment and Future Commission Meetings

Rep. John adjourned the meeting with the tentative plan to reconvene on Friday, June 5th, location TBD.